

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 154

HOUSE BILL 2335

AN ACT

AMENDING SECTION 28-6713, ARIZONA REVISED STATUTES; RELATING TO COUNTY
HIGHWAYS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-6713, Arizona Revised Statutes, is amended to
3 read:

4 28-6713. Bids for construction, reconstruction, equipment or
5 supplies; procedure; bond; exceptions

6 A. Except as provided in subsection ~~F~~ G of this section, in a county
7 with a population of ~~one~~ TWO hundred fifty thousand persons or more as
8 determined by the most recent United States decennial census or the most
9 recent special census as provided in section 28-6532, bids for all items of
10 construction or reconstruction involving an expenditure equal to or greater
11 than the amount determined pursuant to subsection B of this section, all
12 purchases or other acquisition of equipment involving an expenditure of more
13 than five thousand dollars and all purchases of supplies and materials
14 involving an expenditure of two thousand five hundred dollars or more shall
15 be called for by advertising in a newspaper of general circulation in the
16 county for two consecutive publications if it is a weekly newspaper, or for
17 two publications of at least six but not more than ten days apart if it is
18 a daily newspaper. The advertisement shall state specifically the character
19 of the work to be done and the kind and quality of materials or supplies to
20 be furnished.

21 B. Bids shall be called pursuant to subsection A of this section for
22 all items of construction or reconstruction involving an expenditure of:

23 1. In fiscal year 1985-1986, thirty-five thousand dollars.

24 2. In fiscal year 1986-1987 and each fiscal year thereafter, the
25 amount provided in paragraph 1 of this subsection adjusted by the annual
26 percentage change in the GDP price deflator as defined in section 41-563.

27 C. If the board of supervisors receives a satisfactory bid, it shall
28 contract with the lowest responsible bidder after the contractor or supplier
29 gives any bond required by title 34, chapter 2, article 2, except that in
30 counties with a population of more than one million persons according to the
31 most recent United States decennial census, in determining the lowest
32 responsible bidder under this section, the board may consider, for no more
33 than five projects, the time of completion proposed by the bidder, the value
34 over time of completed services and facilities and the value over time of
35 interrupted services, if the board determines that this procedure will serve
36 the public interest by providing a substantial fiscal benefit or that the use
37 of the traditional awarding of contracts is not practicable for meeting
38 desired construction standards or delivery schedules and if the formula for
39 considering the time of completion is specifically stated in the bidding
40 information. The board may reject any or all bids and readvertise.

41 D. The board of supervisors, a member of the board of supervisors or
42 any other official or agent of a county affected by this section shall not
43 segregate or divide into separate units a contiguous or continuous portion
44 of highway construction or reconstruction or divide into separate portions

1 an item of equipment or generally recognized unit of supplies or material to
2 avoid the restrictions imposed by subsection A of this section.

3 E. THE BOARD OF SUPERVISORS, A MEMBER OF THE BOARD OF SUPERVISORS OR
4 ANY OTHER OFFICIAL OR AGENT OF A COUNTY AFFECTED BY THIS SECTION SHALL MAKE
5 EVERY EFFORT TO COMBINE THE FOLLOWING:

6 1. SEPARATE PORTIONS OF HIGHWAY CONSTRUCTION OR RECONSTRUCTION
7 PROJECTS.

8 2. ITEMS OF EQUIPMENT, SUPPLIES AND MATERIALS.

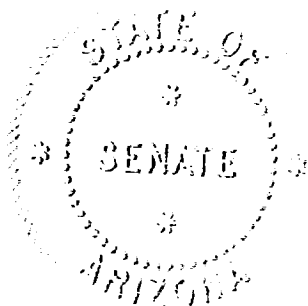
9 F. After a contract has been awarded, the board of supervisors'
10 authorized representative may authorize change orders to the contract if
11 necessary pursuant to guidelines set by the board of supervisors. This
12 authority does not permit the board of supervisors' authorized representative
13 to act independently to award new contracts.

14 G. A building, structure, addition or alteration may be
15 constructed without complying with the bidding requirements of this section
16 if the construction, including construction of buildings or structures on
17 public or private property, is required as a condition of development of
18 private property and is authorized by section 9-463.01 or 11-806.01. For the
19 purposes of this subsection, building does not include any police, fire,
20 school, library or other public building.

21 H. Subsections A, B and C of this section do not apply to
22 procurement of construction-manager-at-risk, design-build and
23 job-order-contracting construction services pursuant to title 34, chapter 6.

APPROVED BY THE GOVERNOR MAY 6, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2003.



Passed the House February 24, 2003

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

Jake Flake
Speaker of the House

Norman L. Fyoo
Chief Clerk of the House

Passed the Senate April 15, 2003

by the following vote: 25 Ayes,

4 Nays, 1 Not Voting

Kela Blumett
President of the Senate

Norma Chastain
Ass. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

/ day of /, 20/,

at / o'clock / M.

/
Secretary to the Governor

Approved this / day of

/, 20/,

at / o'clock / M.

/
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this / day of /, 20/,

at / o'clock / M.

/
Secretary of State

H.B. 2335

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 30, 2003,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Mike Flake
Speaker of the House
Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2003,

at 12:21 o'clock P M.

Sandra Ramirez
Secretary to the Governor

Approved this 6 day of

May, 2003,

at 2¹⁰ o'clock P. M.

Jon R. Norht
Governor of Arizona

H.B. 2335

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 6 day of May, 2003

at 4:26 o'clock P M.

James L. Brewer
Secretary of State